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Citation for published version:

Bell, C 2018, 'Power-sharing, conflict resolution, and women: A global reappraisal', *Nationalism and Ethnic Politics*, vol. 24, no. 1, pp. 13-32. <https://doi.org/10.1080/13537113.2017.1422636>

Digital Object Identifier (DOI):

[10.1080/13537113.2017.1422636](https://doi.org/10.1080/13537113.2017.1422636)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Nationalism and Ethnic Politics

Publisher Rights Statement:

This is an Accepted Manuscript of an article published by Taylor & Francis in Nationalism and Ethnic Politics on 22/2/2018, available online: <https://www.tandfonline.com/doi/full/10.1080/13537113.2017.1422636>.

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Power-sharing, Conflict Resolution and Women: A Global Reappraisal

Abstract

Peace processes in intra-state conflict from 1990 to date have overwhelmingly institutionalized compromises between contenders for power in the form of power-sharing arrangements. This article focuses on political power-sharing, drawing qualitatively on a global data-set of peace agreements. It argues that peace agreements indicate three main functions for political power-sharing: permanent group accommodation; equitable representation of minorities in autonomy regimes; and transition management. Each of these power-sharing types raises different opportunities and challenges for women's inclusion and equality. The analysis aims to inform women's engagement with power-sharing design and implementation in fragile and conflict-affected states. It also introduces the importance of function into a power-sharing literature most concerned with form, while illustrating the value of global data on peace agreements to 'mid-level analysis' capable of bridging between broad quantitative generalisations and detailed case study analysis.

Introduction

Diverse and often intertwined political, territorial, military and economic power-sharing arrangements have, almost invariably, been put in place by peace settlements addressing violent intra-state conflict.¹ These agreements respond to competition over power, territory and use of force, by providing a new ‘power-map’ for how power is to be held and exercised. Centrally, this power-map brings opposing political and military elites at the heart of the conflict into joint governance at the heart of the state’s political, legal and military structures. The arrangements are complex and multi-layered, and often also internationalized. Peace process power-sharing arrangements reflect battlefield balances of power, rather than exercises in good design.²

The contemporary literature on political power-sharing is considerable. It is dominated by two strands, both of which centrally engage with its use as a conflict-resolution device. The first strand, which I label ‘all-about-consociationalism’, provides theoretical and practical interrogation of consociational forms of power-sharing, broadly and with reference to specific case studies.³ This work focuses on consociational power-sharing as a tool for ethnonational accommodation, drawing on the foundational work of Arend Lijphart. This literature focuses on conflict/peace process contexts, notably Bosnia Herzegovina, Burundi, Cyprus, Lebanon, and Northern Ireland. It considers: the relative merits of consociationalism versus centripetalism for conflict resolution; the complexity of contemporary power-sharing arrangements; and the effectiveness of consociationalism in the faces of charges that it is illiberal, inefficient, and reifies the very identity politics it seeks to address.

The second strand, which I will call ‘all-about-quants’, involves proliferating large-n quantitative studies which attempt to code power-sharing arrangements across peace settlements and to ‘measure’ power-sharing outcomes – often using quite different and eclectic definitions of what power-sharing comprises and quite different forms of measurement. This work attempts to understand matters such as when and how power-sharing contributes to peace; the conditions under which power-sharing is included in peace agreements; and the conditions under which power-sharing arrangements are stable.⁴ Quantitative analysis produces sometimes contradictory conclusions, partly explained by different definitional decisions as what ‘counts’ as power-sharing, and different approaches to the ‘n’ of cases examined.

Both literatures are useful and provide important insights that help shape power-sharing design and implementation. Yet, neither literature has comprehensively addressed gender and the

¹ See www.peaceagreements.org/ for an extensive collection of peace agreements. For further discussion of the scale of the practice see further Christine Bell, *On the Law of Peace: Peace Agreements and the Lex Pacificatoria*, (Oxford: Oxford University Press, 2008), 105-123.

² See for example, Stefan Wolff, "Post-Conflict State Building: the debate on institutional choice," *Third World Quarterly*, 32 (10):1777-1802 (2011).

³ This literature is too extensive to fully cite but see in particular, Arend Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press, 1977), 25-52; Brendan O’Leary, “Debating Consociational Politics: Normative and Explanatory Arguments”, in Sid Noel ed., *From Power Sharing to Democracy*, (Montreal: McGill/Queen’s University Press, 2005) 3-43.

⁴ See for example, Felix S. Bethke, “The Consequences of Divide and Rule Politics in Africa South of the Sahara,” *Peace Economics, Peace Science and Public Policy*, 18(3): 1-13 (2012); and Caroline Harzell, and Matthew Hoddie, *Crafting Peace: Power-sharing Institutions and the Negotiated Settlement of Civil Wars* (Pennsylvania: Pennsylvania State University Press, 2007).

inclusion of women.⁵ The all-about-consociationalism literature has begun to consider the place of women, but largely uses single case studies, dominated by Northern Ireland and, to a lesser extent Bosnia.⁶ This nascent literature criticizes power-sharing for marginalizing women, their conflict analysis and their agendas for change. These feminist critiques have a strong resonance with, and are in-essence a variant of, liberal arguments against consociationalism, although they emanate from detailed analysis of the lived-experience of women in post-settlement contexts more than theoretical critique. The all-about-quants literature has focused even less on gender. Its focus is on elite pacts as a black box – and although the elites are typically men, gender does not factor into the analytical frame. However, some there are very initial attempts focus on issues of the inclusiveness of the power-sharing arrangement, for example looking at how ‘constraining institutions’ such as human rights institutions affect power-sharing arrangements by enabling non-aligned groups to assert rights against the main power-holders. Interestingly, a key finding is that these more inclusive power-sharing arrangements have a pacific effect.⁷

Power-sharing by Function: Mid-level Analysis

This article considers the implications of political power-sharing for women’s participation and agendas for change, using a methodology that tries to bridge between these two bodies of work. The analysis is based on qualitative and conceptual analysis of political power-sharing arrangements in a comprehensive collection of peace agreements (PA-X), containing all publicly available peace agreements from 1990 to 2016.⁸ I use the data to consider when, how and why political power-sharing is agreed in practice in peace processes. The data points to key functional differences in when and how power-sharing is used which have consequences for the inclusion of women, which the literature has thus far over-looked,.

The PA-X collection uses a broad definition of agreements to include pre-negotiation agreements, framework, partial or comprehensive peace agreements, and implementation agreements. It contains 1520 agreements in 152 peace processes (some jurisdictions having multiple processes over time, or involving very distinct processes with distinct conflict dyads). Each agreement was coded for a range of issues, including political power-sharing, noting the level of government that the power-sharing arrangements were provided at. Political power-sharing was coded using the following sub-categories: executive coalitions; proportionality in the legislature; other forms of proportionality; mutual veto or similar; and segmental autonomy (other forms of autonomy or territorial division were captured in ‘territorial power-sharing’ and ‘economic power-sharing categories). To this Lijphartian list, an additional category of ‘international involvement’ also captured when international actors were directly involved in ‘domestic’ power-sharing institutions, or given deadlock-breaking roles. All specific references to women, girls or other ways of describing them were also coded and we thus have the ability to cross reference power-sharing and gender data. While the database is designed

⁵ There is a specific literature on the relationship between equality and power-sharing; for example, Steven Wheatley, *Democracies, Minorities and International Law* (Cambridge: Cambridge University Press, 2005); Christopher McCrudden and Brendan O’Leary *Courts and Consociations: Human Rights versus Power-sharing* (Oxford: Oxford University Press 2013).

⁶ For one of the most thoughtful and theorized accounts of the relationship see Siobhan Byrne and Allison McCulloch, “Gender, Representation and Power-sharing in Post-Conflict Institutions”, *International Peacekeeping* Vol 19(5): 565-580 (2012).

⁷ Gates et al, *Power Sharing, Protection and Peace*.

⁸ A gender section of the PA-X database can be viewed at: www.peaceagreements.org.

to support significant quantitative analysis, this article draws on an initial qualitative review of the provisions included on political power-sharing and gender, but one based on a quantitatively-coherent global dataset.

Three Functional Types of Political Power-sharing

One of the most striking revelations of PA-X peace agreement data, is how power-sharing is used to provide several different conflict resolution functions. While discussion of power-sharing models tends to look at the power-sharing design and the particular mix of technical ways to divide and allocate power, a review of when and how political power-sharing is provided for in peace processes reveals a different ‘typology’.⁹

In peace agreements, three main functional types of political power-sharing predominate. The first – ethno-national accommodation power-sharing - uses power-sharing to provide for indefinite group accommodation of the main ethno-national groups at the heart of the conflict. The second – indigenous autonomy power-sharing - involves sub-national or localized power-sharing arrangements focused on the accommodation of national minorities or indigenous groups in a new sub-state units. The third – interim transitional power-sharing – uses power-sharing to put a temporary governance structure in place to manage the transition and (ideally) pave the way to elections and often a new or revised constitutional state structure.

These three types of power-sharing loosely correspond to different ‘conflict types’ that reflect regional conflict dynamics – although all the types have outliers. Power-sharing for indefinite ethnonational accommodation is largely a product of European identity conflicts. Interim transitional power-sharing arises predominantly in Africa but also recently in the Middle East, where it addresses complex, large-scale political conflicts born of incomplete democratic revolutions which have become overlaid with identity politics, and which have both intra-state and transnational dimensions. Autonomy power-sharing is characteristic of conflicts with indigenous groups in Asia, but also in the very different contexts of Central and South America, with Northern Ireland forming an ethnonational example.¹⁰

Crucially, these three different types of power-sharing present quite different challenges and opportunities for women’s participation and equality. I leave aside pure critique to examine each of the three types of power-sharing to suggest ways in which women might engage with these arrangements in pursuit of political and social equality. ‘Women-unfriendly’ as political power-sharing arrangements are (although I am going to suggest the picture is a mixed one), rather than decry them, women need practical strategies of engagement capable of re-shaping them. Power-sharing arrangements are an inevitable result of negotiations between political/military elites necessary to ending the immediate conflict, and ending conflict is usually a vital first step to improving women’s lives in fragile and conflict-affected states, without which improving equality and development outcomes is very difficult.

⁹ As the term power-sharing is used in so many ways, it bears emphasis that here I am talking about political power-sharing using a broadly ‘consociationalism-plus’ model as coded for on PA-X outlined above.

¹⁰ The term ‘indigenous’ requires some explanation as in some conflicts ethno-national groups simultaneously self-identify as indigenous peoples even though not the traditional tribal communities often associated with the word, in part driven by strategic appeals to international law’s suggestion of a heightened right to self-determination right, see Common Article 1, International Covenant on Civil and Political Rights, 1966, and International Covenant on Economic, Social and Culture Rights, 1966.

Challenges and Opportunities of Ethno-national group accommodation power-sharing

The first power-sharing type, ethnonational group accommodation, involves consociational-type mechanisms established as an indefinite mechanism of government designed to achieve group accommodation and intergroup political equality. This type of arrangement is used in situations where the conflict is understood in identity-based terms (usually ethnonational), and where its root causes are thought to lie in the attempts by one group to capture or 'own' the state at the expense of other groups. Group (and often individual) equality is therefore seen as critical to ending the conflict, reversing its root causes, and creating a state committed to equally including all the salient identities within it. Key examples of peace processes where this type of arrangement is used include Northern Ireland, Bosnia Herzegovina, Burundi, Lebanon, Macedonia, and the Comoros Islands. Abortive attempts to reach a settlement on this basis can also be found in Kosovo and Cyprus.¹¹ In all these cases, the political power-sharing arrangements were understood to be indefinite rather than interim. While several pointed to a need to revise and move on from these arrangements in the future, they all provided for power-sharing *as* the new political settlement rather than a mechanism for getting to it. Power-sharing was the centre-piece of a new state institutionalisation that aimed to accommodate national minorities whose domination or marginalisation had been central to the conflict.

These arrangements are arrived at in less than ideal circumstances: their immediate purpose is 'to stop the war'. The implicit theory of change is that accommodating groups in the state's political institutions reduces incentives to violence by bringing contenders for power into joint government. However, the contenders for power are not seen as rebel groups who must be temporarily accommodated, but as representing ethnonational divided groups in need of political accommodation. This type of power-sharing responds to arguments about illegitimate state capture and marginalisation by a dominant group. Its mechanisms aim to provide political equality to address underlying grievances such as structural inequality on the grounds of identity and unequal resource allocation, which are considered to have fuelled the conflict. This form of power-sharing in-essence splits power, creating the new political institutions as forums for on-going conflict resolution between ethno-national groups at a slower pace. The hope is that broader social processes will kick-in and turn the elite pact into a broader social contract that may at some unspecified point in the future transform the identities and allegiances at the heart of the conflict. In this sense, power-sharing 'translates' the conflict into new political and legal structures rather than resolving it.

The theory of change is optimistic, but coherent. However, it has proved difficult to achieve in practice: often successful in ending the immediate violent conflict, this form of power-sharing is less successful in establishing any broader social contract. In practice, the transposition of the conflict away from the battlefield into the fabric of the new shared political institutions tends to result in what I call formalised political unsettlement,¹² characterised by institutions dependent on ongoing brokerage to function; by stalemating of government due to difficulty

¹¹ See the Interim Agreement for Peace and Self-Government in Kosovo (Rambouillet Accord), 23 February 1999; Annan Plan for Cyprus Settlement (Annan V), 31 March 2004, available at http://www.hri.org/docs/annan/Annan_Plan_Text.html.

¹² See Christine Bell and Jan Pospisil, "Navigating Inclusion in Transitions from Conflict: The Formalised Political Unsettlement," *Journal of International Development* Vol 29, 576–593 (2017).

of dealing with radical disagreement; and, by a reified status for the ethnonational identities which appeared to be part of the problem in the first place.

The negative experience of living through these (un)settlements dominates feminist criticism of political power-sharing. Women's experience, as described in this literature, tends to bear out some of the fears of power-sharing's liberal critics. Women often find it difficult to access the new institutions as participants, given the focus on ethnonational balance in the central political institutions.¹³ Women often lose out as politics-as-brokerage continues within new institutions, failing to transform the socio-economic environment.¹⁴ Moreover, erstwhile enemies forced into governing together, frequently find that one of the key areas they can agree on is the conservative retrenchment of women's rights (particularly reproductive services).¹⁵ Women and sexual minorities can fare badly as a result.¹⁶ Finally, but perhaps more fundamentally, women suffer from the difficult environment of the formalized political unsettlement and find it difficult to insert their own narratives of conflict transformation, or to produce effective strategies of change.¹⁷

These criticisms are valid and salient. However, they do not, in and of themselves, point to alternative strategies of engagement. Neither do they assist women confronted with the reality of an already-set consociational stalemate trying to press for change from its floundering midst. It is important to recognize that political and/or territorial power-sharing of some form will almost inevitably be on the table in ethnonational conflicts (unless it is the transition from a military defeat that is being managed). Rejecting these arrangements from the outset will be understood by mediators as rejecting the only chance for a brokered peace and a sustainable ceasefire. Furthermore, it is a strategy that will divide women, and mean that the 'feminist voice' is understood as a deracinated one which has little to say to women in marginalized identity communities who understand themselves to be marginalized on multiple grounds including ethnicity; or indeed to women in dominant communities who are concerned about becoming a new minority facing domination should the ethnonational power balance be reversed politically or through territorial sub-division. Both groups may have something to gain from power-sharing arrangements, and while it may be useful to have a space in which women come together across these groupings, the claims of women situated within ethnonational groupings cannot be dismissed.

What then might practical strategies of engagement be? The first strategy involves trying to influence the power-sharing deal itself. Peace processes provide evidence of women's capacity to shape peace agreement text, including power-sharing provisions. The many broadly Lijphartian sets of arrangements significantly vary in their detail. A key set of differences, concerns whether they explicitly provide for inclusion of women or not - either in the political power-sharing arrangements themselves, or more in the surrounding institutional arrangements provided for in the peace agreement. Some agreements make such provision. In Northern Ireland, reference to women's rights are included as well as broad commitments to new laws

¹³ Carmel Roulston, "Democracy and the Challenge of Gender: New Visions, New Processes," in Carmel Roulston and Celia Davies, eds., in *Gender, Democracy and Inclusion in Northern Ireland* (London: Palgrave Macmillan, 2000), 49-69.

¹⁴ See Deiana, *To Settle for a Gendered Peace*.

¹⁵ Catherine O'Rourke, *Gender Politics in Transitional Justice* (London: Routledge, 2013).

¹⁶ See Nagle and Fakhoury this volume.

¹⁷ Cockburn, *Exit from the War*.

and institutions on equality.¹⁸ In Burundi, in addition to specified numbers of Hutus and Tutsis in the political institutions, women (and Twa) were provided with specified seats in the legislature.¹⁹ In Somalia, power-sharing arrangements focused on inter-clan representation, in new political institutions also provided for specified percentages (often 30%) for women.²⁰ Other arrangements have had no such mention.

These variations often reflect differences in the mobilising capacity of women, differences in the level of access to the negotiations forum, and the presence or absence of ‘women-friendly’ international mediators. In Northern Ireland, for example, women gained access to negotiations using a voting mechanism designed to include the representatives of small loyalist groupings or armed actors.²¹ Forming broad equality coalitions and alliances, helped to push equality measures that widened discussions beyond sectarian discrimination so as to include discrimination on grounds of race, sexual orientation and gender. In Burundi, strong local organisation, structural support from UN Women, and ‘women friendly’ mediators, all played a role in shaping the peace agreement’s text.²²

Peace processes involving ethnonational power-sharing, at least initially, have been successful in stopping the violence of the conflict. They have been much less successful in transforming the political environment in terms of equality and rights and in fully addressing the political and socio-economic marginalisation of key constituencies, as promised by the relevant peace agreements. There is therefore leverage for strategies of gender inclusion which can mount arguments that they bring better consociational design over-all.

During the negotiation phase, the critical approach to effective engagement with power-sharing proposals may be to anticipate the ways in which such mechanisms ‘get stuck’, and to try to build-in provision for broader agendas for change to the peace agreement early on. This strategy aims to insert ‘hooks’ within the agreement, on which future initiatives useful to broader forms of inclusion can be hung, such as robust human rights protections. These hooks are likely to have a wider process benefit given the difficulties power-sharing arrangements typically face. Some ways of doing this are indicated by the wider consociational literature which points towards: pushing for women’s rights or for gender quotas; pushing for more liberal forms of power-sharing which use flexible rather than rigid definitions of the relevant groups; pushing to have integrative mechanisms which might incentivize cooperation across ethnonational groups within the consociational mix; and innovative forms of log-jam-breaking mechanism. Another potentially useful strategy could be to build in periodic review that includes the need for women to be consulted.

¹⁸ The Agreement Reached in Multi-Party Negotiations (Good Friday or Belfast Agreement), 10 April 1998

¹⁹ Arusha Peace and Reconciliation Agreement for Burundi, 28 August 2000.

²⁰ See, for example, Protocol Establishing the Somali National Constituent Assembly, 22 June 2012; Protocol Establishing the New Somali Federal Parliament, 22 June 2012, although ultimately these quotas were not all delivered in practice.

²¹ See Georgina Waylen, “A Seat at the Table - is it enough? Gender, Multi party negotiations and institutional design in South Africa and Northern Ireland,” *Politics & Gender*, 10(4): 495-523 (2014); cf also Véronique Molinari, “Putting Women in the Picture : the Impact of the Northern Ireland Women's Coalition on Northern Irish Politics,” *Persée* 32(1): 109-216 (2007)

²² *Promoting Women’s Inclusion in Peace Negotiations and Peace Processes*, German Federal Ministry for Economic Cooperation and Development (2014) http://eeas.europa.eu/archives/features/features-working-women/working-with-women/docs/2014-05-08_toolkit_promoting-womens-participation-peace-neg_en.pdf.

At an implementation stage, where women are faced with a consociational arrangement that is proving problematic, again there are other potential entry points for making equality gains. Rather than opposing these arrangements, these strategies involve ‘going with their grain’ but broadening the concept of inclusion at the heart of the arrangements.

First, while heavily determined by the need for a ‘deal’ between conflict protagonists, the commitment to political equality at the heart of consociationalism is seldom framed in those terms, but is instead framed in terms of a commitment to inclusion and equality for all. Often these arrangements attempt to take the state out of the exclusive ownership of one group, into a more equal ownership. This raises opportunities for marginalized groups beyond the central ethnonational divide to mount claims to inclusion and political equality that take this commitment seriously. In Nepal, for example, the peace agreement did not just deal with Maoist claims at the heart of the conflict, but offered ‘a progressive restructuring of the state to resolve existing class-based, ethnic, regional and gender problems’.²³ This provided a broad-based platform for ongoing struggles over inclusion, including that of women. In Northern Ireland, proportionality flowing from equality commitments focused on the Catholic/Protestant divide, were made in general terms which enabled other forms of equality - including for women - to be addressed.

Second, the formalized political unsettlement is often characterized by ongoing fluidity and ongoing moments of ‘extraordinary’ political change, invoking an air of ‘permanent transition’, or ‘stable instability’. There is some evidence that critical moments of change provide an opportunity for marginalized groups to push for further equality gains.²⁴ More needs to be researched and understood about these dynamics, however, it is critical that women strategize in preparation for such windows of opportunity.

Third, the international norms are often mentioned in peace agreements and international commitment to them can be used to improve women’s leverage on domestic processes.²⁵ Using the UN Women, Peace and Security agenda to push for domestic change has been a key strategy for women’s groups, and a source of local and transnational mobilisation – for example through national action plans. International norms and leverage may help ‘re-open’ or extend equality commitments of peace agreements. Examination of how many political power-sharing arrangements ultimately adopted quotas for women, for example, surprisingly indicates that quotas for women are routinely institutionalized in the vast majority of cases, even when women’s inclusion is not mentioned in peace settlements or their power-sharing arrangements.²⁶ The explanation seems to lie in the ways in which international electoral advice and international soft-law norms come to bear on moments of electoral re-design that are triggered by peace agreements. Quotas are a part of the technology of electoral design in ways that can compensate and remedy peace agreement deficits on women’s descriptive representation.

In summary, therefore, women seeking to engage with power-sharing proposals and arrangements have some clear strategies to hand. The underpinning strategic argument which

²³ Preamble, Comprehensive Peace Accord signed between the Nepal Government and the Communist Party of Nepal (Maoist), 22 November 2006, available www.peaceagreements.org.

²⁴ Christine Bell, *Navigating Inclusion in Peace Settlements: Human Rights and the Creation of the Common Good* (London: British Academy, 2017).

²⁵ See O’Rourke, *Gender Politics in Transitional Justice*.

²⁶ See, Christine Bell, *Unsettling Bargains? Power-sharing and the Inclusion of Women*, UN Women, 2015, <http://www.unwomen.org/en/digital-library/publications/2017/1/unsettling-bargains>. On spread of use of quotas see generally, Sarah Sunn Bush, ‘International Politics and the Spread of Quotas for Women in Legislatures’, *International Organization* Vol 65 (2011) 102-27.

needs to be won, however, is that of persuading parties and mediators not just that women matter, but that they matter to the outcome. Mediators must be persuaded to look ahead to how an initial deal will need to transform, to sustain not just a negative peace, but a social contract capable of underpinning political and socio-economic development. This is a project to which ‘non-aligned’ and cross-cutting identities, claims and interests, such as those of women, will be vital.

Challenges and Opportunities of Indigenous Power-sharing

The second functional use of power-sharing is as a form of group accommodation at a sub-state level, as a mechanism of power-sharing aimed at national minorities or indigenous groups in very localized non-state armed actors in development-focused regional or even municipal governance structures. Relevant processes include agreements signed in conflicts between indigenous groups and the state in: Bangladesh (Chittagong Hills Tract), India (Bodoland, Nagaland, Darjeeling), Guatemala, and Mexico (Chiapas). However, similar uses of power-sharing can be seen in agreements between some non-state armed groups and central government in Colombia in the 1990s and in the 2016 agreement. In all of these agreements territorial power-sharing in the form of autonomy regimes or localized self-government structures was at the centre of the attempt to end the conflict or to alleviate its impact on indigenous peoples. In each, the central conflict resolution mechanism was to provide self-government for local minorities and indigenous peoples as a mechanism for political and socio-economic redistribution within centralized states. Unlike ethnonational indefinite power-sharing, the political settlement at the central state level often remains largely unchanged.

Typically, however, these arrangements also had elements of political power-sharing specified at the local level. These arrangements, on occasion, show some form of gender inclusion and the use of quotas. For example, the Bangladesh agreement made provision for tribal government while also providing for specified seats for ‘non-tribals’ and women.²⁷ The inclusion of women, where it happens, is often due to the internal demands of women’s indigenous movements, which are perhaps met and supported at times by outsider non-indigenous concerns that traditional cultures can also be discriminatory against women.

This third type of power-sharing again presents different opportunities and challenges for broad inclusion agendas, notably of women. A key challenge is that the overall shape of the territorial autonomy may also have given some new prioritisation to local laws including traditional leadership and customs which may not be neutral in terms of their gender impact. Accentuated power for local leadership may prove a mixed bag in terms of the treatment of women in localities and require its own ongoing navigation. With the devolution of power, any negative rights impact can be difficult for the central state to address both politically and legally: in other words, enforcing human rights may not be possible due to lack of effective control of the territory, and if delivery of autonomy is understood to be a human rights issue, a central state taking back control in the name of human rights is unlikely to be possible politically. Where

²⁷ Article 4, B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL, Articles 3 and 4, C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL, and Agreement between the National Committee on Chittagong Hill Tracts Constituted by the Government and The Parbattya Chhattagram Janasanghati Samity, 2 December 1997.

autonomy is so extensive that the state has limited control, international human rights machinery has found it difficult to articulate the state's requirements.²⁸

A second important challenge is the difficulty of enforcing gender quotas alongside other quotas, in very localised settings with strong commitment to traditional power structures and forms of leadership. In Somalia, the experience of implementing gender quotas alongside clan quotas demonstrates the difficulty of enforcing gender quotas in practice, and the ways in which the women participating are chosen from within other group identities in ways that reduce women's influence.²⁹ Moreover, the more tightly quotas and seats are specified, in particular to take account of different identity claims, and the smaller the units of government become, the more each political position becomes prescribed in identity and gender terms, with quotas for women becoming a ceiling and not just a recommended minimum – and indeed the Bangladesh example appears in the text in this way.

A final challenge of autonomy power-sharing is that these agreements are often difficult to implement; the socio-economic conditions and the priorities of the central state are very difficult to change. It may be difficult to get the autonomy arrangements implemented at all, or to ensure that resources flow to the autonomous area if established. The central power-sharing arrangements which aim to ensure the priorities of national minorities and indigenous peoples are addressed, and in which women struggle to gain a foothold, may therefore be ineffective. Constitutional reforms in both Nepal and Guatemala that were focused on much greater regional devolution of power failed to be fully achieved. Even where implemented, localized power-sharing arrangements can still find it difficult to adequately address socio-economic marginalisation in a context where the central state determines and limits the share of the pot to be allocated, again with implications for what participation of women can achieve in terms of equality and life chances at the devolved level. Women therefore need to assert their own inclusion, while forming alliances that will support the implementation of the agreement when faced with recalcitrance.

Challenges and Opportunities of Transitional Governance Power-sharing

The third manifestation of political power-sharing often involves consociational forms of government, but as an explicitly transitional device aimed at immediate conflict resolution. The goal of these power-sharing arrangements is not permanent ethnonational accommodation, but rather to bridge between the conflict and a fuller political settlement process. Here power-sharing arrangements have the central aim of establishing some form of transitional governance arrangement capable of providing a break in the conflict and governance structures for the transitional interregnum. These structures are to manage an agreed process to transit from conflict to elections and a new constitutional order. They emerge in settings where negotiating people out of conflict is understood to be the only way to institute a democratic regime – with democracy rather than group accommodation set out as the primary end-goal. Power-sharing

²⁸ *Ilașcu and Others v. Moldova and Russia* [GC], no. 48787/99, ECHR 2004-VII; *Ivanțoc and Others v. Moldova and Russia*, no. 23687/05, 15 November 2011; and *Catan and Others v Moldova and Russia* [GC] Appl. nos. 43770/04 and 18454/06), 12 October 2012.

²⁹ Dr Siham Rayale, Ed Pomfret and Deborah Wright, *Somali Solutions; Creating Conditions for a Gender-Just Peace*, Oxfam (2015) <https://www.oxfam.ca/sites/default/files/rr-somali-solutions-gender-justice.pdf>. For wider difficulties of the quota see, *Somali Elections: How Women Still Fight for Political Space in African Polls*, The Conversation, 5 May 2017, <https://theconversation.com/somali-elections-how-women-still-fight-for-political-space-in-african-polls-73213>.

arrangements of this type include political arrangements in many African conflicts where transitional political power-sharing arrangements have often been used to address a breakdown of politics whether through coup, war, or the rejection of election outcomes, as in Sierra Leone, Liberia, Kenya, and Zimbabwe; or failure to create any sort of functional central state in the first place, as in Somalia or South Sudan. However, there are also examples in the Middle East (Yemen, and the Geneva process in Syria contemplate this strategy of conflict resolution), and Asia (Cambodia, Nepal), often with geo-political dimensions. Strikingly, women are seldom explicitly included in these transitional arrangements, reflecting that the focus on including the military actors in the transitional governance has a male bias.

A second type of context has however also produced these arrangements, at times providing for women's inclusion within the transitional governance structure: namely, post inter-state conflict processes, where international conflict has brought about regime change and the international coalitions which have instigated the use of force then need to fashion some sort of interim governance structure capable of facilitating a broader more inclusive state-building process. Processes in Iraq, Kosovo and Afghanistan, have all followed this 'interim transitional governance' trajectory, and at times – notably in Afghanistan and Iraq – women have been included in the transitional arrangements established by international actors.³⁰ It bears noting, however, that internationally-required participation of women is by no means standard, and has tended to feature only where international actors engaged with gender issues as central to their justifications of conflict. While it might seem positive for women to be included in transitional governance, inclusion on these terms has not been without problems. Where the process is highly internationalized, gender places may be provided with no real process of bottom-up mobilisation, raising ongoing issues as to who the women are, and who they represent.³¹ The women involved are likely be charged with being unrepresentative of political forces in the country, or overly aligned with them, unrepresentative of women, or 'too elite' by the very fact of their international support. Even when at the negotiating table, women may still be unable to influence the deals cut there, seen as unarmed actors whose presence is treated as peripheral to the 'real negotiations'.

The implicit theory of change of transitional power-sharing arrangements is that '[b]y dividing power among rival groups during the transition, power-sharing reduces the danger that one party will become dominant and threaten the security of others', during what is often contemplated to be a short transition.³² Transitional arrangements are driven by the difficulty of getting the parties to the table without some sort of framework in which they can cooperate enough to create a break in the conflict. It is often instituted where at least one of the actors is viewed as illegitimate and an obstacle to democratic progress, with the transitional regime often understood by international mediators as an attempt to get this actor to exit the political stage. These power-sharing transitional governments are then responsible for guiding complex

³⁰ See Afghanistan: Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions ('Bonn Agreement'), 15 December 2001; Iraq: Article 30(c) Law of Administration for the State of Iraq for the Transitional Period, 8 March 2004.

³¹ Maria Louisa Gambale, *How Women Landed at the Syrian Peace Talks and What it All Means*, Passblue 10 May 2016, <http://www.passblue.com/2016/05/10/how-syrian-women-landed-at-the-un-peace-talks-and-what-it-all-means/>.

³² Katia Papagianni, *Power Sharing Transitional Governments and the Role of Mediation*, Centre for Humanitarian Dialogue (2008), 42. <https://osloforum.org/sites/default/files/Katia%20Papagianni%20Power%20Sharing%20WE.pdf>.

processes of demobilisation and reintegration of combatants, return of displaced persons, preparation of elections and even the negotiation of new constitutions. Critically, they must manage these issues not just as discrete issues, but as part of a larger, more complex attempt to forge agreement on a broader political settlement as to how power is to be held and exercised, one that is unlikely to exist at the moment the arrangements are established.

The theory of change is therefore an incomplete one: it is a theory of immediate conflict suspension, that leaves largely unarticulated what the conditions might be to ensure that the power-sharing transition completes and is replaced by some sort of democratic constitutional state. It is often more a hope than a plan, that halting the conflict and putting people into joint structures to manage reform processes will somehow successfully wrest power from powerful military or authoritarian actors. It is typically implemented without any clear idea as to whether the parties are committed to a goal of democracy or peaceful co-existence, and indeed comes about precisely because those same actors are unwilling to leave the political stage and so must be accommodated.

Women's involvement in a transitional arrangement may be crucial to their long-term inclusion for several reasons. First, because transitional governments hold power and the arrangements tend to become 'sticky': that is, they create pathway dependencies, with those in power often advantaged in their capacity to affect the institutional landscape, and indeed to win any elections established. Often transitional governance arrangements continue much longer than planned, and have sometimes indefinitely – with an initial transitional government giving way to a transitional legislature with 'agreed' rather than elected membership, to design the constitutional order that never fully emerges. As Papagianni writes, in one of the few contributions on the area, transitional administrations need to be understood not as bringing an end to the conflict, but as creating a forum in which to continue to resolve major disagreement, which will require ongoing mediation.³³ Seeking inclusion in the transitional governance arrangement is therefore in-essence seeking inclusion in the talks process.

Second, at a quasi-symbolic, but no less important, level: where the new power-arrangements involve government by men, for men, and participation is based not on electoral victory but on having wielded guns, then a powerful symbolic message is sent as to what causes reform, and who reform is for. This message is likely to be more than symbolic in the many ways it 'infects' the trajectory of transition. As Papagianni points out 'interest groups excluded from the peace talks may demand to enter the political arena before elections are held and challenge the legitimacy of transitional governments led by wartime elites.'³⁴ Indeed, an initial 'deal' can fuel other groups to take up arms to gain entry to the process, and women and other non-aligned groups can lose out to armed actors representing ever smaller constituencies.³⁵

The critical strategic argument for women to win is that for transitional arrangements to be legitimate, participation in such governments should not to be seen to rest on prior armed activity alone. Indeed, the longer such arrangements last without elections, the more a broader legitimacy will be required to sustain them. The fact that we now understand how difficult it is

³³ Id.

³⁴ Id.

³⁵ See, Judith Verweijan, *Stable Instability: Political Settlement and Armed Groups in the Congo* (London and Edinburgh: Rift Valley Institute and Political Settlement Research Programme, 2016) <http://www.politicalsettlements.org/files/2016/09/Stable-Instability-by-Judith-Verweijen-RVI-PSRP-Usalama-Project-2016.pdf>, for how this dynamic has played out in the Democratic Republic of Congo.

to transition from these arrangements means that – even where timelines for the transition are tight – such arrangements need to be understood as requiring some form of local legitimacy. Enabling some form of social participation which goes beyond purely the participation of armed actors can help. However, it is likely to face resistance from those at the heart of the conflict precisely because wider participation limits their capacity to influence the outcomes on their own self-interested terms, and so will need support.

A second critical issue for women is their inclusion in the broader state reform processes that are meant to follow. Transitional periods are ‘opportunities to expand participation’, beyond the signatories of peace agreements to allow the public to participate meaningfully in the process.³⁶ In practice, however, the success of these processes turns on whether they can rest on or help achieve a political settlement between the parties at the heart of the conflict. Often the ‘agreement’ underlying the commitment to any transition is very thin, and in some of the largest-scale conflicts it may have been extracted by international actors, whose on-going leverage is crucial to sustaining it. In these contexts, simply throwing issues such as constitutional design into a broad participative forum will not resolve the stand-offs between the parties at the heart of the conflict.³⁷ Women can make gains in terms of representation and influence in fora such as National Dialogue processes which take place during the transition, only to find that these operate as little more than talking shops with no ‘deal’ underpinning them, or that the ‘real deal’ must be cut, or remain un-cut, elsewhere.³⁸ Women seeking effective strategies for change need to invest beyond the participative processes, to address any absence of agreement between the political actors with the potential to renew conflict, and to push for strategies which will keep this bit of the political process moving in tandem with broader social processes to which they may be given access.

In summary, with this form of power-sharing the most critical strategies of engagement may be trying to ensure that the initial peace agreement does not dictate too much of the terms of the subsequent state structure, and that women have some place in the transitional forums in which it will be elaborated – with all the baggage that brings. Women should seek forms of representation in transitional administrations, but also ask hard questions as to what will incentivize the parties to move to a broader social contract, and what will stop them rigging the rules of the game in their own favour. They may also need to press the importance of continuing international mediation through the process of transition, rather than assume that a broad participative process and a ‘locally owned’ process alone can achieve agreement between armed actors where it does not currently exist. If those structures are put in place and a ceasefire agreed, then women should focus ahead on the processes the transitional arrangements put in place such as national dialogues or constituent assemblies, where they will have even more of a claim to inclusion, because the types of reform bodies established are, by

³⁶ Katia Papagianni, *Power Sharing Transitional Governments and the Role of Mediation*, supra. <https://osloforum.org/sites/default/files/Katia%20Papagianni%20Power%20Sharing%20WE.pdf>

³⁷ See, Christine Bell & Kimana Zulueta-Fülscher, *Sequencing Peace Agreements and Constitutions in the Political Settlement Process*, International IDEA and Political Settlements Research Programme (2016) <http://www.idea.int/sites/default/files/publications/sequencing-peace-agreements-and-constitutions-in-the-political-settlement-process.pdf>.

³⁸ Karin Planta, Vanessa Prinz, and Luxshi Vimalarajah, *Inclusivity in National Dialogues: Guaranteeing Social Integration or Preserving Old Hierarchies*, Berghoff Foundation (2015) http://www.berghoff-foundation.org/fileadmin/redaktion/Publications/Other_Resources/IPS/IPS_Background-Paper_1_National-Dialogue.pdf.

their nature, larger and more diverse, and depend on broader participation, including that of women, for their legitimacy.

Acknowledging typology-defying complexity

The typologies set out above have focused on political power-sharing. However, in all these arrangements, more complex forms of power-sharing were at play.³⁹ Territorial power-sharing was often overlaid in complicated ways with the gender dynamics of territorial power-sharing requiring detailed attention in their own right.⁴⁰

Importantly, however, our longitudinal examination of whether and how peace agreements provide for power-sharing across drawn-out peace processes, indicates that there is often elision over time between the different power-sharing types set out above – as different peace initiatives are tried and conflicts mutate. For example, in coding for PA-X, we were able to notice what we had somehow missed in narrative accounts of Bosnia’s peace process: that in earlier stages of the negotiations the Dayton political power-sharing arrangements had been incorporated in failed peace agreements as temporary until elections could be established.⁴¹ As the conflict continued and the balance of power changed, only a permanent arrangement which in-effect stitched up the future constitutional structure of the state, provided sufficient incentive for the warring groups to agree to a ceasefire. In Burundi the Arusha Peace and Reconciliation Accord, 2000 provided a more integrative approach to power-sharing that merely talked of institutions having a ‘multi-ethnic character’, with any numerical specification seeking to specify ethnonational participation.⁴² This agreement was signed by 19 political parties, but notably the two main armed groups were only brought within its frame over the following years through additional agreements. These later agreements took the implementation of the Accord, and its constitutional incarnation towards a much more classical consociationalism (although still with some integrative elements).⁴³ In Northern Ireland, if one goes back in time to the start of the 1900s, ‘home rule’ proposals attempted at territorial power-sharing for the island of Ireland based on autonomy (although clearly this term was not used). This proposal was then revised under pressure to require an indigenous-settler accommodation which started to propel at first a form of island-wide territorial sub-division into – crudely put – Catholic and Protestant majority jurisdictions on the island in 1920. Rejection of this outcome saw it superseded by Irish independence and partition proper, triggering a further need for ethnonational accommodation in Northern Ireland which remained part of the United Kingdom but with a

³⁹ As regards the complexity of power-sharing design, see generally, Marc Weller and Stefan Wolff, eds., *Autonomy, self-governance and conflict resolution: innovative approaches to institutional design in divided societies*, (London: Routledge, 2005). See also Stefan Wolff, ‘The Emerging Practice of Complex Power Sharing, in *Die Verteilung der Welt. Selbstbestimmung und das Selbstbestimmungsrecht der Völker [The World Divided. Self-Determination and the Right of Peoples to Self-Determination]*, ed. Jörg Fisch (Oldenbourg Wissen. Vlg., 2011)

⁴⁰ Bell, *Unsettling Bargains*. See also Jill Vickers, “Gendering Federalism: Institutions of Decentralisation and Power-sharing” in Mona Lena Krook and Fiona Mackay, eds., *Gender, Politics and Institutions: Towards a New Institutionalism* (London: Palgrave Macmillan, 2015) 129-146.

⁴¹ See Vance Owen Plan 2 May 1993, Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia: peace talks on Bosnia and Herzegovina (S/25479) <http://repository.un.org/>.

⁴² [Arusha Peace and Reconciliation Agreement for Burundi](#), 28 August 2000.

⁴³ See, [Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu - FNL](#), 7 September 2006; [Forces Technical Agreement between the Transitional Government of the Republic of Burundi and the CNDD-FDD](#), 2 November 2003.

Catholic minority. This triggered moves towards political power-sharing within Northern Ireland and in fact the Belfast/Good Friday Agreement built on past failed attempts at ethnonational accommodation in which each failure shaped both the conflict, and the new solutions then proposed.⁴⁴

This constant shift-shaping of power-sharing serves to underline the ways in which narratives of the conflict drive what is understood as the ‘power-sharing solution’ at particular points in time. As conflict mutates, the narrative of what is needed to resolve it changes and past power-sharing attempts affect future power-sharing design through pathway dependencies. What can appear to be small and subtle changes in design can provide for quite different types of group accommodation with different theories of change. At each point in time, the gender implications of the arrangements for women also change, often in unpredictable ways. Women will therefore have to assert their rights vis-à-vis territorial or political power-sharing arrangements at different points in time, and engage with regimes that at some points are understood to be temporary, and at some points indefinite. The shifting landscape gives rise to a need to constantly question the function of the power-sharing arrangement, and to anticipate what challenges for women it might therefore hold.

The complexity of navigating inclusion in power-sharing arrangements points to the need for a much clearer understanding of the centrality of power-sharing arrangements to peace agreements, by women’s organisations and those who support them. At present women are exhorted to push for gender equality statements, transitional justice, a new constitution, and all sorts of other matters that are often secondary to, and restrained by the central allocation of power that will determine their futures. The power-sharing arrangements at the centre of the deal shape all future forms of inclusion and participation, and all other institutional reforms. They shape whether a sustainable end to conflict is likely and what its socio-economic contours will be. Much greater support for women is needed, if they are to effectively engage with power-sharing design.

The challenge is formidable. To be heard, women must mount arguments as to how inclusion will structurally help parties to reach a new political settlement. They will need to go beyond merely exhorting that war stops reward of armed actors. They will need proposals for shaping and re-working power-sharing arrangements that reckon with how power-sharing can incentivize an end to conflict waged by powerful actors. They will need to understand the competing local and international goals that frustrate a simple theory of change for the power-sharing proposals. They will need to be on top of the maths and the maps of political and territorial proposals and to be smart as to the technology of power-sharing institutional design. Effective engagement requires a level of expertise regarding: forms of proportional representation and electoral system; national dialogues versus constituent assemblies; electoral design for marrying ethnonational with gender quotas. Women’s movements rarely possess this expertise without assistance, yet it is often in the detail that battles for inclusion can be won or lost. Underlying specific strategies, the key struggle for women to win is the attempt to ground arguments for inclusion by re-framing conflict narratives away from the immediate imperative of ending the conflict through power-splitting, to longer-term approaches that anticipate the forms of participation and legitimacy that are needed if conflict resolution is to be sustained.

⁴⁴ Alvin Jackson, *Home Rule: An Irish History 1800-2000* (Oxford: Oxford University Press, 2003).

Conclusions

The literature on the gendered impact of power-sharing arrangements presents a broad consensus that ‘power-sharing is bad for women.’ In this, it usefully serves to warn women of the negative gendered outcomes of particular power-sharing arrangements. However, while power-sharing models may be deeply unattractive, other forms of liberalism may be simply unrealistic, and a quick glance at their outcomes in the West reveals them to be less than perfect models for achieving political equality for women.

Women engaging in attempted peace processes therefore need to search for practical strategies of engagement. I have argued for a move away from ‘which model’ of power-sharing to ‘what function’ it plays in the conflict resolution process. I suggest that understanding political power-sharing in terms of its conflict resolution functions is important to creating appropriate strategies of engagement. Rather than stopping at ‘a gender critique’ of political power-sharing, there is a need to design differentiated strategies of intervention that take account of both power-sharing design and function, if women’s equal participation in public life is to be progressed.

The discussion, however, has also attempted to extend the power-sharing literature relating to conflict more generally. The qualitative assessment offered suggests that the obsession with consociationalism versus liberalism that dominates one half of the literature is a largely European obsession. In fact, permanent ethnonational accommodation power-sharing in peace agreements is a limited practice from a global perspective, in comparison with transitional governance power-sharing. Gender analysis which focuses only on ethnonational consociationalism risks ignoring the majority use of political power-sharing arrangements in the global south. It also risks re-playing ‘liberal critiques’ of power-sharing that have already been well rehearsed and downplaying useful responses to them which can inform women’s engagement. The quantitative half of the literature does take a global perspective, but often suffers from lack of clear consensus as to what constitutes power-sharing. It tends to run very varied arrangements together as some sort of coherent whole whose effectiveness can be assessed regardless of temporal distinctions and the distinct theories of change involved.

The different roles for power-sharing which PA-X peace agreement data reveals, helps to explain the disjuncture between ‘all-about-consociationalism’ qualitative and theoretical power-sharing literature and ‘all-about-quants’ power-sharing literature. It also helps to bridge between their small ‘n’ and large ‘n’ studies, by offering mid-level analysis drawn from data that is both globally statistically comprehensive but qualitative in nature. The ‘all-about-consociationalism’ small-n literature largely ignores the wider practice of using power-sharing as a transitional arrangement; while the simple binary coding for power-sharing commitments of the large-n ‘all-about-quants’ literature captures all types of power-sharing, but thereby misses crucial distinctions between temporary and permanent, national and local power-sharing arrangements, that point to quite different theories of change which would require differentiated quantitative investigation. Both literatures could usefully pay more attention to how different types of power-sharing elide into each other over time. I suggest that greater attention to the conflict resolution drivers and the distinct functional types of power-sharing they produce, is important if we wish to understand the connections between power-sharing design and possibilities for an inclusive peace.